



## CONGRESSIONAL HISPANIC CAUCUS

116<sup>th</sup> Congress

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August 6, 2020

The Honorable Eugene Scalia  
Secretary of Labor  
United States Department of Labor  
200 Constitution Ave. NW, Washington, D.C. 20210

Ms. Loren Sweatt  
Principal Deputy Assistant Secretary, OSHA  
United States Department of Labor  
200 Constitution Ave. NW, Washington, D.C. 20210

Dear Secretary Scalia and Principal Deputy Assistant Secretary Sweatt,

Over the past few months, the Congressional Hispanic Caucus (CHC) has conducted oversight into the workplace conditions amid the COVID-19 pandemic at meatpacking facilities across the country. Even with alarming irregularities in reported data, trends across the board show that there has not been a flattening in the number of new COVID-19 cases in this sector since the pandemic began.<sup>[1]</sup> Vulnerable members of minority and immigrant communities are continuously subject to exposure at work sites that have become national epicenters of COVID-19 outbreaks.

In line with OSHA's mission statement, Congress created the agency in 1970 as part of the United States Department of Labor to ensure safe and healthy working conditions for workers by setting and enforcing standards. Like many other federal agencies, OSHA has issued guidance intended to help employers navigate the pandemic. Still, as COVID-19 continues to spread throughout the country, there are reports of more than 33,000 coronavirus cases that are tied to meat and poultry plants, and at least 132 meatpacking workers have died.<sup>[2]</sup> Yet, in light of these numbers, OSHA only issued its first coronavirus workplace citation to a nursing home in Ohio in late July and has not yet issued any citations to meat or poultry processing facilities.<sup>[3]</sup>

<sup>[1]</sup> <https://thefern.org/2020/06/covid-19-shows-no-sign-of-slowing-among-food-system-workers/>

<sup>[2]</sup> <https://www.propublica.org/article/they-warned-osha-they-were-in-imminent-danger-at-the-meat-plant-now-theyre-suing-the-agency>

<sup>[3]</sup> <https://www.usnews.com/news/top-news/articles/2020-07-22/labor-dept-cites-ohio-nursing-homes-for-covid-19-violations>

As such, we respectfully request a meeting with you to discuss OSHA's current policy decisions regarding the meatpacking industry, including but not limited to these questions:

- What standards and/or factors does OSHA consider in determining "good faith" efforts of employers before issuing citations?
- With the continued increase in COVID-19 cases at meatpacking plants, do you still feel that the General Duty Clause is enough to protect workers from COVID-19?
- We do not feel that all companies are taking enough actions to protect employees at meatpacking facilities – how often are you in contact with meat packing companies and are you pushing them to do more to protect their employees?
- How have you used the CDC/OSHA guidance to ensure employers are protecting their employees? Why do you feel that these measures are efficient in combating the spread of COVID-19, even as cases are continuing to rise?
- How many cases have you reviewed related to COVID-19 cases in the meatpacking industry?
- What steps can OSHA take to ensure workers in the meatpacking industry feel emboldened to contact OSHA if their employer is not abiding by OSHA's issued guidelines?
- What has the relationship between yourself and CDC and USDA been like during the pandemic, especially in regard to the meatpacking industry?
- Does OSHA reach out to state and local health departments that are home to meatpacking facilities?

We cannot sit back and watch as the vulnerable communities that make up a majority of this industry's essential workforce face dangerous working conditions. According to the Center for Economic and Policy Research, almost one-half, 44 percent, of meatpacking workers are Hispanic, and according to CDC data last accessed in early July, 87% of workers in the meat and poultry industry who tested positive belonged to racial or ethnic minorities.<sup>[4]</sup> The Hispanic Caucus looks forward to meeting with both of you to discuss the concerns that have been laid out and how we can best respond to this pandemic and protect workers. We respectfully request that you respond to this meeting request by August 14<sup>th</sup>.

Sincerely,



Joaquin Castro  
CHC Chairman

Adriano Espaillat  
CHC Whip

Ruben Gallego  
CHC First Vice Chair

Veronica Escobar  
CHC Freshman Representative

Nanette Diaz Barragán  
CHC Second Vice Chair

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<sup>[4]</sup> [https://www.cdc.gov/mmwr/volumes/69/wr/mm6918e3.htm?s\\_cid=mm6918e3\\_x](https://www.cdc.gov/mmwr/volumes/69/wr/mm6918e3.htm?s_cid=mm6918e3_x)

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